

# Cross-Cultural Perspectives on the Classification of Children With Disabilities:

## *Part II. Implementing Classification Systems in Schools*

**Margaret J. McLaughlin**, *University of Maryland*

**Alan Dyson**, *University of Manchester*

**Katherine Nagle**, *University of Maryland*

**Martha Thurlow**, *University of Minnesota*

**Martyn Rouse**, *University of Cambridge*

**Michael Hardman**, *University of Utah*

**Brahm Norwich**, *University of Exeter*

**Phillip J. Burke**, *University of Maryland*

**Michael Perlin**, *New York Law School*

This article is the second in a 2-part synthesis of an international comparative seminar on the classification of children with disabilities. In this article, the authors discuss classification frameworks used in identifying children for the purpose of providing special education and related services. The authors summarize 7 papers that addressed aspects of disability classification in educational systems in the United States and the United Kingdom. They discuss current policies for determining which children receive special education services, the origins and evolution of these policies, and current dilemmas and challenges associated with classification schemes and the provision of special education. The authors also describe emerging data and possible models and practices that might be used in educational systems. They conclude with the recognition that both formal and informal educational classification systems will continue to be required within a system that must address the competing priorities of individual needs and the broader social and community goals of education. However, as was argued in the previous article, by understanding the mix of intentions that underpin these policies, as well as periodically reviewing the norms that underlie them, it may be possible to move classification to descriptors that can be used to efficiently and effectively define educational needs and distribute resources.

In Part I of this two-part synthesis of a seminar on the classification of children with disabilities (see Florian et al., this issue), we discussed historical and emerging conceptual frameworks for classifying childhood disabilities and some of the issues associated with using such classifications for educational purposes. In this article, we discuss how those frameworks and associated assumptions have been interpreted within educational systems, specifically as they pertain to the identification of children with disabilities for purposes of providing specialized educational services. We synthesize seven papers that addressed aspects of disability classification in educational systems in the United States and the United Kingdom. We also discuss current policies for determining which children receive special education services, the origins and evolution of these policies, and current dilemmas and challenges associated with classification schemes and the provision of special education. We conclude with a description of models and

practices and outline some future directions for the classification of students with disabilities in educational systems.

As noted in Florian et al. (this issue), the classification of children and youth with disabilities is both controversial and complex. When applied specifically for the purpose of determining eligibility for additional specialized educational services, classification can be fraught with many problems. Unlike classification that may take place in clinical settings, classification in school systems is a messy process influenced by many individuals and conducted in an environment of rationed resources. The dilemmas associated with classification have been abundantly dissected in the U.S. and U.K. special education research and policy literature (e.g., Ainscow, 1994, 1999; Booth, 1983; Donovan & Cross, 2002; Heller, Holtzman, & Messick, 1982; Tomlinson, 1982, 1995).

Despite the struggles, the fundamental intent of classifying students with disabilities in schools has primarily been

to provide additional educational services and interventions to address individual children's needs. However, within a climate of limited resources and an educational system with inherent inflexibility in what it can provide, classifying students to determine eligibility for special education may take on other purposes that better serve the constraints of the larger system than the targeted children's needs. Classification policies have been roundly criticized in both countries. There are longstanding concerns that labeling or classification is a social construction that reduces individual children to a label to which are attached negative stereotypes, expectations, and exclusion (Tomlinson, 1982). Additional criticisms include the instructional irrelevance of disability labels (Donovan & Cross, 2002; Yseldyke, 2001) and variability in the implementation of classification criteria (Mercer, Jordan, Allsopp, & Mercer, 1996). The cross-cultural comparison of the evolution of current special education eligibility policies is the focus of this article.

## Background of U.S. and U.K. Policies

There are striking similarities between, as well as differences in, the special education classification policies employed by U.S. and U.K. educators and policymakers. Some of these differences are attributable to deep cultural traditions regarding the purpose of schooling and to interpretations of individual civil rights. Before we examine the country-specific aspects of special education policies and the classification of students with disabilities, it is important to note some basic differences between the educational systems in the United States and the United Kingdom.

A significant feature of current U.K. educational policymaking is that it has become very centralized since the educational reform acts of the late 1980s. Educational, and many other policies, do differ somewhat, however, between Scotland and England and Wales. Nevertheless, one similarity across the three countries is that basic policies on curriculum content and organization, school governance, finance, and special education provision are made at the national level. In England, this falls to the Department of Education and Skills. The Education and Lifelong Learning Committee of the Welsh National Assembly has some decision-making powers, and in Scotland, the Scottish Executive Education Department is responsible for administering policy regarding preschool and school, including special education.

In Scotland, the 1945 Education Act and the 1980 amendments to that act set forth a system of special education that includes a framework for determining classification as well as the services and placements that are to be provided. Similarly, in England and Wales "special needs" policies are embodied in the 1981 Education Act. Although management of those policies rests with governance structures at the local level, such as the local education authorities, these local authorities have had increasingly limited discretion in how they can interpret or implement them.

In contrast, within the U.S. federalist system, national and state-level governments share policymaking in a dynamic and sometimes ambiguous relationship. In many instances, federal law supersedes state law, and until recently, there has been a tradition of limited federal policymaking in education, which left individual states with significant degrees of latitude in how they chose to organize public schools, define curriculum, and interpret and implement federal education policies. The education of U.S. children with disabilities is subject to three federal laws, the 2004 Individuals with Disabilities Education Improvement Act (IDEA), Section 504 of the 1973 Vocational Rehabilitation Act, and Title II of the Americans with Disabilities Act (ADA). The IDEA is the primary federal policy that defines which individuals can be considered eligible for special education. It also puts forth specific entitlements, including the right to a free and appropriate public education (FAPE), to be defined through an Individualized Education Program (IEP). Section 504 and the ADA are antidiscrimination laws that guarantee children with disabilities access to education and entitle them to reasonable accommodations within the schools to allow them such access. Definitions and classification of disability differ somewhat between the IDEA and the other two laws. The IDEA specifies certain disability categories and requires that the disability adversely affect the student's ability to learn. In contrast, Section 504 and the ADA contain broader criteria for what constitutes a disability that rely more on the functional impact of an individual's condition than on a category or label. Among the individual states, a great deal of variability exists in the interpretation of federal special education policies, including the criteria used to identify students as eligible to receive these additional services.

Another major difference between U.S. and U.K. educational policies is the degree to which an individual student with a disability is entitled to certain rights and protections. In the United States, these rights are grounded in the equal protection clause of the U.S. Constitution, individual state constitutions, and state statutes or are established through federal statute and regulation. Laws such as the IDEA protect individuals who are members of a particular group against discrimination. A wide variety of other educational laws protect individuals' right to privacy, safe environments, and products and services. Individuals may seek to enforce their rights through the state and federal court systems. General and special education policies in the United States have been substantially shaped by the interaction of U.S. constitutional law, federal and state statutory and regulatory policies, and judicial interpretations.

In contrast, educational policy within the U.K. countries has a long history of being grounded in communitarian approaches to social justice in which the rights of the individual can be understood only within the context of the rights of the broader community. Systems are designed to benefit the group instead of individual entitlement. Furthermore, the U.K. countries have a deep tradition of professionalism in making all educational decisions. Since the 1981 Act, professionals have

had an even greater role in decisions about which children to serve and how to serve them, and bureaucratic functions have been more prescribed.

## Special Education Classification Frameworks

As noted earlier in this article, eligibility for special education services is defined by the 1981 Education Act in England and Wales, the 1980 Education Act in Scotland, and the IDEA in the United States. Current provisions in these laws reflect the longstanding tension between medical and socially constructed views of individual difference and disability.

### *The IDEA*

Special education classification in the United States has reflected a mix of the medical and social system models of deviance (Reschly, 1987). The medical model assumes that a treatment can be individually tailored to a diagnosis and presumes that a child's deficits in learning are due primarily to intrachild factors. The social model assumes that any educational deficiency represents a mix of the child's disabilities and interventions provided in the environment. Accordingly, special education classification under the IDEA is a two-pronged categorical approach:

1. a child must first be determined to have a disability and then
2. by reason of this disability, it is determined whether he or she requires special education (e.g., the disability must have an adverse impact on the child's ability to learn and progress in school).

The basic eligibility requirements in IDEA have remained unchanged, with some minor adjustments, since 1975, when the first federal special education legislation was enacted. However, nothing in the Act has required that students be classified according to specific disability categories, so long as each child who has 1 of the 13 disabilities listed in the act and who requires special education and related services receives them. Indeed, individual states do differ in both the labels and criteria used to identify children as eligible for special education services (Donovan & Cross, 2002).

The process by which a student is found to be eligible under the IDEA is complex and highly regulated. The regulations that specify how students are to be evaluated have been shaped by several critical early court decisions: *Diana v. State Board of Education* (1970), *Guadalupe Organization v. Tempe Elementary School District* (1972), and *Pennsylvania Association for Retarded Children [PARC]* (1972). The eligibility determination process includes the requirements that the process be individualized, address multiple domains, and involve a

multidisciplinary team. In addition, specific requirements exist regarding the tests and procedures that may be used and the qualifications of examiners. In recent years, these regulations have been expanded to require that absence of appropriate instruction or limited English-speaking skills not be the determining factor regarding special education eligibility.

### *Education Acts in the United Kingdom*

Although the 1944 Education Act defined 11 categories of disability, this practice was abandoned in the wake of the influential *Warnock Report* (Department of Education and Science, 1978) and the subsequent Education Acts of 1981, 1993, and 1996. Currently, eligibility criteria under the U.K. laws are best described as noncategorical and needs based. These policies have been influenced by professionals and scholars, such as Abberley (1987, 1992) and Corbett (1996), who advocated the abandonment of medical models of disability due to growing concerns about the negative consequences of labeling. Subsequent special education policies expressed in the first *Special Education Needs Code of Practice* (Department for Education (DfE; 1994) have continued to follow the direction advocated by the *Warnock Report* and, for the most part, have maintained the concept of "special educational needs" (SEN). The revised *SEN Code of Practice* (Department for Education and Skills (DfES; 2001) introduced the notion of four "areas of need":

1. communication and interaction;
2. cognition and learning;
3. behavior, emotional, and social development;  
and
4. sensory and/or physical.

However, the definitions of special educational needs are somewhat circular, as can be seen in this quotation from the legislation:

Children have special educational needs if they have a *learning difficulty* which calls for special *educational provision* to be made for them.

Children have a *learning difficulty* if they:

- (a) Have a significantly greater difficulty in learning than the majority of children of the same age; or
- (b) Have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children the same age in schools within the area of the local education authority;
- (c) Are under compulsory school age and fall within the definition at (a) or (b) above or would so do if special educational provision was not made for them

Children must not be regarded as having a learning difficulty solely because the language or form of language of their homes is different from the language in which they will be taught.

*Special educational provision means:*

- (a) For children of two or over, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the LEA, other than special schools, in the area;
- (b) For children under two, educational provision of any kind, (Section 1 (3), Department for Education and Skills, 2001)

It is possible to have a special education need but not a disability, and it is also possible to have a disability but not a special education need. Of course, it is possible to have both a special education need and a disability.

Definitions of disability can be found in two other laws, the Children Act (1989) and the Disability Discrimination Act (1995). For example, Section 17(11) states, "A child is disabled if he is blind, deaf or dumb or suffers from a mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed" (Department for Education, 1989), and Section 1(1) notes, "A person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities" (Department for Education, 1995).

In both the United States and the United Kingdom, a multiprofessional assessment process determines which children have a special education need and are eligible to receive special education services. Educational psychologists play an essential role in this process in the schools in both countries. In the United Kingdom, access to special needs education is determined by satisfying rather broad conditions: the individual student has a greater degree of difficulty learning than the "majority of his peers" or requires some special intervention to ensure that he or she can access or benefit from the education. The provision of special education services is determined by a detailed noncategorical assessment and does not imply placement in particular schools, classrooms, or programs. Finally, as mentioned previously, membership in the special needs category does not imply a disability or medical condition; it only indicates that the student has difficulty learning. Medical conditions by themselves do not guarantee access to special needs education unless the conditions have educational implications.

Evident from these comparisons is the degree of similarity between the two countries' policies in terms of favoring individual and psychometric assessments and reliance on professional decision making. Nevertheless, differences in classification categories and policies do exist and are grounded in

broader community beliefs and cultural traditions regarding the "trade-off" among the stigma of labels and imposed stereotypes, the protection of individual rights, and the bureaucratic requirement to ration additional resources.

## Classification and Prevalence

One major difference between the two countries is the type and extent of available data relative to which children are receiving special education services. The United States has a well-developed congressionally mandated data collection and reporting system under the IDEA. States submit annual reports to the U.S. Department of Education that document the number of children served, as well as a host of other information, such as educational settings and student outcomes. According to the most recent such annual report, as of the time this was written (U.S. Department of Education, 2002), during the 2000–2001 school year, more than 5.7 million children between the ages of 6 years and 21 years were identified as eligible to receive publicly funded special education and related services under Part B of the IDEA. This means that approximately 9% of the U.S. school-age population has an IEP. Of this number, 48% were classified as having a specific learning disability and another 19% as having a speech or language disorder.

In comparison, about 20% of the students in the publicly supported U.K. schools are currently considered to have special education needs and may be provided with additional educational services. Only a small subpopulation of these students (around 3%), however, receives an individual "statement," a legal document detailing the types of provision and support the child should receive. This figure is roughly equivalent to the number of U.S. students with IEPs who are in low-incidence categories (categories other than learning disabilities, speech-language disorders, mental retardation, and emotional disturbance). Despite the fact that individual statements are limited to students with more significant disabilities, in the United Kingdom significant differences among local authorities exist in the number of children who get a statement, reflecting local policies and resources rather than the level of need.

Similar variations in identification rates have been observed across and within individual U.S. states, particularly in the categories of specific learning disability, emotional disturbance, and mild mental retardation (Donovan & Cross, 2002). For example, in the most recent child count data available from the U.S. Department of Education (2002), the range in the percentage of a state's student population that was identified as having learning disabilities was from 2.24% (Kentucky) to 6.67% (Massachusetts). Donovan and Cross summarized the variations and their causes as follows: "[State] differences occur due to idiosyncratic state funding mechanisms, variations in state classification criteria for the various disabilities, and other local, poorly understood influences" (p. 223).



## *Educational Settings and Classification*

A dominant concern of special education professionals in both the United States and the United Kingdom is that classification and labeling leads to educational segregation and marginalization. Available U.S. data suggest that, to some degree, there is a link between a student's classification and the degree to which he or she is educated in special settings outside of the general education classroom. For example, students classified as having emotional disturbance, mental retardation, or multiple disabilities were more likely to receive special education services outside the general education classroom for more than 60% of the school day during the 2000–2001 school year (U.S. Department of Education, 2002). Furthermore, among those students who were educated in general education classrooms for 80% or more of the school day, approximately 70% were White, yet White students represent only 62% of all school-age students with IEPs. Only 14% of Black students were educated in these most inclusive settings, yet Black students account for 20% of the students with IEPs. Similarly, 12% of the students with disabilities who were educated in inclusive general education classrooms were Hispanic, but Hispanic students represent 14% of all students who have IEPs. Numbers such as these mask even greater variability across states.

## *Cross-Country Issues*

Arguments for and against classifying students to receive special education services are plentiful in both the United States and the United Kingdom. In the former, the concerns center on curbing the growth of certain high-incidence categories, such as specific learning disabilities, and preventing the misclassification of minority students. U.K. policymakers are more concerned about the lack of data and accountability associated with the umbrella SEN category.

**U.S. Challenges.** In the United States, at least two longstanding issues exist regarding who receives special education. The first is the historical problem of disproportionate representation of Black students in special education, particularly within the category of mental retardation. The second issue is the exponential growth in the number of students identified for special education, in particular, the number identified as having learning disabilities.

The overrepresentation of certain groups of students, especially Black students, has been a longstanding concern in the United States, and the courts have been instrumental in shaping policies concerning evaluations of students suspected of having a disability. In *Larry P. v. Riles* (1986), a federal court in California banned the use of standardized IQ testing to evaluate Black students for placement in classrooms for students with educable mental retardation. This decision was later expanded to include a ban on IQ testing of Black students for all special education placements in California. However, this ban prohibited these students from meeting the eligibility cri-

teria for having a learning disability, which required that they demonstrate a discrepancy between achievement and potential or an average IQ score. Another court overturned the ban in order to allow Black students to qualify as having a learning disability. As noted earlier, other federal court decisions have influenced how students are evaluated. Court decisions were incorporated into the prescriptive regulatory policies that accompany the IDEA statute and govern the procedures for evaluating and identifying children who are eligible for special education. Nondiscrimination procedures include individualized evaluation, consideration of multiple areas rather than just IQ, use of nondiscriminatory test procedures, and multidisciplinary team decision making.

Two National Research Council (NRC) committees have examined the issue of disproportionate representation (Donovan & Cross, 2002; Heller, Holtzman, & Messick, 1982) and concluded that a complex interaction of biological, environmental, cultural, and educational factors contribute to a child's referral to and subsequent classification as eligible to receive special education. Both committees also noted that for the majority of students identified in the categories where disproportionality has been observed (i.e., mental retardation, emotional disturbance), eligibility occurred after a student had entered school and experienced persistent academic failure in general education. It has been well documented that eligibility determination is extremely judgmental (see, e.g., Reschly, 1987). In schools, special education serves a sort of triage function whereby the lowest group of achievers and those students who present the greatest behavioral challenges are referred to special education. Given the findings of the NRC committees regarding the link between family poverty and achievement, we need to note that a recent national study on the characteristics of children with disabilities receiving special education found that among young children with IEPs, a third were poor and had mothers who did not finish high school (U.S. Department of Education, 2002). The U.S. policy response to the problem of disproportionality has been to refine periodically the eligibility provisions within the IDEA in an attempt to obtain more precise diagnoses. The most recent changes to the IDEA, made in the 1997 and 2004 amendments, added to the evaluation procedures a requirement that lack of instruction be "ruled out" as a causal factor in determining eligibility for special education.

The sheer growth in the number of students who receive special education has also been a concern to policymakers. Until recently, the category of disability with the greatest growth was specific learning disability. The percentage of students classified as having a learning disability increased by 28.5% between the 1990–2000 and 2000–2001 school years. Since 1977, when this category was first recognized within federal law, a nearly 300% increase in the percentage of students so classified has occurred (U.S. Department of Education, 2002). In recent years, a more than 400% increase in the number of students identified as having autistic spectrum disorder has also been found. In the 2000–2001 school year, 85% of the stu-

dents who received special education in U.S. public schools were reported in the following categories: specific learning disabilities (48%), speech and language impairments (19%), mental retardation (10%), and emotional disturbance (8%). The growth in these numbers has major fiscal consequences. In constant dollars, total spending on special education increased from an average of \$9,858 per pupil in 1985–1986 to \$12,474 in 1999–2000. Total special education spending accounts for 14% of the total spent on elementary and secondary education in the United States.

In addition to the steady growth in the number of students with a learning disability across the nation, there have been other characteristics and oddities, such as unexplained variability in incidence and specific concerns about the current model for classification of a learning disability, which requires that students demonstrate a discrepancy between achievement and ability (Lyon et al., 2001). These issues have led to dissatisfaction with the current system of learning disabilities classification and prompted changes to the IDEA in 2004.

The definition of *specific learning disability* has been particularly troublesome in the U.S. educational system. The basic concept of a learning disability is an achievement deficit that is discrepant with some measure of a child's ability. Research concerning the problems with this discrepancy model has been prolific and has ranged from documentation of the variability in discrepancy criteria across states and confirmation that the same student would change eligibility when moving from one state to another (Mercer et al., 1996) to a host of issues surrounding the decision-making process itself, including the desire to label students who create problems in the classroom, the desire of parents to obtain services for their child, and the lack of relationship between the assessment data and the decision (Christenson, Ysseldyke, & Algozzine, 1982; Ysseldyke, 2001; Ysseldyke, Algozzine, Richey, & Graden, 1982). Specific changes to the LD classification procedures will be discussed later in this article.

**Issues in the United Kingdom.** Within the United Kingdom, a strong professional advocacy for maintaining and even expanding the flexible and inclusive “supercategory” of SEN exists. For those professionals who support expansion of the construct, the ultimate goal is to be able to adjust schools to continually meet the needs of individual students, creating a form of radical individualism. However, during the 1990s there was an increase in activism among parents and specific disability groups, which resulted in more parents' seeking legal recourse to obtain a specific diagnosis for their child. In England, this occurs through the Special Education Needs Tribunal; in Scotland, parents appeal to Scottish ministers. Parents who have obtained independent psychological assessments and diagnoses are particularly likely to obtain support from a local authority to classify their child as having a disability. In Scotland, in direct contrast to the conclusions of the *Warnock Report*, the number of specific categories of disability continues to expand, specifically in the areas of speech–language and

autistic spectrum disorder, as well as in subcategories of multiple disabilities. The overall number of children so identified, however, has not increased.

Another issue of increasing concern in the United Kingdom is the lack of precision in the SEN category, which restricts the ability of the educational system to be accountable for what is happening to individual children or to the system as a whole. Specifically, England has collected very poor administrative data relating to special needs education in the post-*Warnock* years. Although the system can account for students placed in special schools and those with legal statements, very little is known about the SEN population, including the numbers and characteristics of learning problems, the population, consumption of resources, and the distribution of resources across types of need. This lack of data hampers any attempts to refine resource allocation and improve programs. In addition, it does not permit an evaluation of the degree to which the classification of SEN differentially affects different subpopulations of students, such as racial and ethnic minorities and children living in poverty. As noted earlier, entry into the SEN category is determined by satisfying the rather broad conditions that the individual has a greater degree of difficulty learning than “the majority of his peers” or requires some special intervention to ensure access to educational provision. English as a second language is explicitly ruled out as a reason for determining if a child has special education needs. The provision to be made within the special needs system is determined not by membership in a particular category but by a detailed individual assessment that does not imply placement in particular schools, classrooms, or programs. As with U.S. policy, disability or medical conditions alone do not determine classification in the SEN category *unless* they have educational implications. Moreover, within a highly individualized system, decisions are made at the local—usually school—level. There have been no policies to challenge or national criteria to dispute. The assumption has been that designation as a child with SEN occurs based on the best efforts of committed professionals to identify each child's difficulties on a case-by-case basis.

The lack of good administrative data, coupled with the open definition of SEN as equated with “difficulties in learning,” may have disguised the issue of disproportionate representation of certain subpopulations of students, such as minorities and children from different social classes. To identify disproportionality, it is necessary to have some measure of *proportionality* or *representativeness*. This is possible in systems that work with disability categories. What is perhaps surprising is how little this lack of data has been an issue within the United Kingdom. This is probably due to the *Warnock* settlement. An assumption can be made that either incidence of disabilities is (or should be) distributed evenly across population subgroups or a model of actual incidence can be developed using data from noneducational—that is, probably health—domains. Levels of referral to special education can then be matched against these incidence models to determine

matters of representativeness and proportionality. Where there is overrepresentation of certain groups in the education system, the implication is that something is going on other than the simple identification of disability. The English SEN system does not have such a categorical system, however. Moreover, there is no model for the incidence of difficulties in learning other than the actual patterns of attainment across the population.

In terms of disproportionality, the English educational system has been rather helpless. The overrepresentation of particular social groups in the special education system was a major part of Tomlinson's landmark critique of disability categorization (Tomlinson, 1982). Without good administrative data, however, pursuing these issues has been difficult. In any case, in a highly individualized system, falling into the broad special educational needs system may not necessarily carry all of the negative consequences that it might in more categorically oriented systems. It does not, for instance, necessarily bring increased segregation or stigmatization and might well bring increased attention and resources. Unfortunately, England does not have data to support or refute this proposition. There has been a certain complacency in England with regard to the disproportionate representation of specific subgroups of children within the SEN category, but this situation is changing. The volume and quality of administrative data across the English education system as a whole has improved dramatically in recent years. For example, there now exists a National Pupil Database that records results on national assessments of all school students, along with other educational and biographical data, including school attended, ethnicity, date of birth, whether the student has English as an additional language, whether he or she is entitled to free school meals (FSM) because of low family income, and whether the student is categorized as having special education needs.

These data compare somewhat to those available in individual U.S. states as required under Title I of the 2001 No Child Left Behind Act (NCLB) and the IDEA. These laws require that all students, including those with disabilities, be assessed annually and their results, along with other demographic data, be reported annually at the school, local district, and state levels.

**The National Pupil Database Analysis.** Students in England are assessed on national measures at the end of the National Curriculum "Key Stages" (KS), which correspond to ages: 7 (KS1), 11 (KS2), 14 (KS3), and 16 (KS4). Although the KS corresponds to age, the assessment is based on a measure of attainment at the various curriculum levels within each KS. Students' test scores are aggregated into points so that an average points score (APS) can be calculated for individuals, for groups of students, or for schools. For example, the DfES suggests the use of a KS2 APS (in English, math, and science) as an input measure on entry to secondary school, which is then compared with the KS3 APS midway through secondary school (see Note).

Patterns of attainment can be analyzed according to various student characteristics, including gender, ethnicity, primary language, entitlement to FSM, and SEN status. The patterns of achievement by characteristics are similar across Key Stages. For instance, boys as a group perform at lower levels than girls, students entitled to FSM perform at a lower level than their peers who are not entitled, students whose primary language is not English perform at a lower level than those with English as a first language, and student who are young for their school cohort attain at a lower level than those who are older. Ethnicity is complex in the English context. However, students categorized as "White British" are outperformed by those students categorized as Chinese and as Indian. The lowest attaining groups are those categorized as Bangladeshi and Black Caribbean.

When the specific data on the attainments of students categorized as SEN were examined, the gap between students with statements (i.e., students with the greatest level of need) and students without SEN, at 10.71 points (equal to 1.78 *SD*), was greater than between any other two groups in the analysis. The gap between students with SEN but without statements and students without SEN was 7.71 points (1.28 *SD*).

Given the definition of SEN in England, these achievement gaps are not surprising. Students with greater difficulty in learning than their peers are categorized as having SEN and, of course, will perform at lower levels than their peers. It does, however, beg the question as to whether SEN is simply a proxy for low attainment in many cases (Croll & Moses, 2000) and, if so, what value is added by having a separate category of students, or at least *this* separate category.

When we examined the National Pupil Database for the SEN category, certain patterns emerged. For example, boys were more likely to be categorized than girls, students eligible for FSM were more likely to be categorized than ineligible students, young-for-year-group were more likely to be categorized than older students, Black Caribbean and Bangladeshi were more likely to be categorized than White students, and the latter were more likely to be categorized than Chinese students. Again, ethnicity was complex, as was primary language. Students whose primary language was other than English were more likely to have SEN without a statement but less likely to have a statement than students whose primary language was English.

Identification for SEN follows very closely the pattern of attainment. Not surprisingly, given the close overall relationship between low attainment and SEN, groups that attain at lower levels are more likely to be identified as having SEN. In an effort to disentangle this relationship, one of the papers presented at the Cambridge seminar (Dyson & Polat, 2004) used multilevel statistical techniques to model the effects of a range of variables on student attainment. Their analysis identified which student characteristics were predictive of lower test scores. As part of the modeling process, Dyson and Polat constructed interaction terms that allowed the effect on the APS of the interaction between two variables to be calculated.

An interaction effect shows that the combined effect of multiple factors (e.g., being male and SEN) is greater than the simple added effects of the separate factors. For instance, identification as having SEN and FSM entitlement had (statistical) effects on attainment even after controlling for other variables; however, it was not necessarily the case that their combined effects could be calculated simply by adding the separate effects because there may have been some interaction between the two variables.

Findings from Dyson and Polat's multilevel analyses of attainment data across the age groups indicated that the following interaction effects predicted lower achievement:

- male gender with SEN both with and without a statement,
- primary language other than English and SEN with a statement,
- FSM entitlement and SEN both with or without a statement, and
- younger age and SEN both with or without statements (predicted lower achievement than comparable peers with SEN who were tested at the same Key Stage).

Although the effects were not large (e.g., the male-SEN with statement interaction, which was the largest, was "worth" about 1.5 points), they are statistically significant.

These interactions tell us something about the nature of the SEN population (see Table 1). Students who are male, who are entitled to FSM, whose primary language is not English, or who are young for their year group are more likely to be identified as having SEN. Although each of these groups is likely to have relatively low achievement, it is the interactions among the characteristics that may increase the probability of a student being identified as having a SEN. The National Pupil Database brings together wide-ranging data for the first time, making it possible to monitor the learning of individuals over time. Despite the size, scope, and potential of the dataset, however, the data themselves are not without technical and conceptual problems, which require that they be used with caution (Florian, Rouse, Black-Hawkins, & Jull, 2004).

There are some rather interesting U.S. parallels to these findings. First, of course, is the overall low performance of students who are determined to be eligible to receive special education. Compelling evidence has indicated that these students perform significantly lower in academic subjects than their peers in general education (McDonnell, McLaughlin, & Morison, 1997; "Quality Counts," 2004; Rossi, Hertig, & Wolman, 1997). Recent reports ("Quality Counts," 2004; Wiley, Thurlow, & Klein, 2005) estimated the performance gap (i.e., the percentage of students achieving at proficient and advanced levels on state assessments compared to those achieving at or below basic levels) between students in special education and those without an IEP to range from 30% to 50%, which is the largest between-group gap. This is not surprising, given that

**TABLE 1.** Percentages of Students at Key Stage 3 Identified for SEN by Characteristics

Characteristic	Current SEN provision		
	Non-SEN	Without statement	With statement
Gender			
Male	74.8	21.5	3.7
Female	85.3	13.3	1.5
Free school meals			
Not eligible	82.7	15.1	2.2
Eligible	65.8	29.6	4.6
Primary language			
English	80.2	17.1	2.6
Other	77	21	2.1
Birth month			
September	82.5	15.2	2.3
October	82.5	15.3	2.2
November	81.4	16.3	2.3
December	81.2	16.3	2.5
January	80.4	17.0	2.6
February	80.6	16.8	2.6
March	80.0	17.5	2.5
April	79.2	18.2	2.6
May	79.1	18.2	2.7
June	78.2	18.9	2.9
July	77.9	19.2	2.9
August	77.0	20.2	2.8
Ethnic group			
White	80.4	17	2.6
Black Caribbean	69.1	27.9	3.1
Black African	73	25.3	1.7
Black other	72.6	24.7	2.7
Indian	84.9	13.7	1.4
Pakistani	73.8	23.6	2.6
Bangladeshi	75.3	22.5	2.2
Chinese	86.2	12	1.7
Other	77.4	20.4	2.3
Classified	78.1	19.3	2.6
Unclassified	78.8	18	3.2

*Note.* Key Stage 3 student age = 14 years; SEN = special educational needs.

we know that the majority of students who are identified for special education are referred by general education teachers due to persistent low achievement and that by definition the students must have achievement difficulties.

### *Reasons for Classification*

The foregoing comparative analysis speaks to the inability of educational systems to entirely overcome patterns of advantages and disadvantages among students. There will always be children who, in terms of school expectations, perform at the low end. These children will require something more or different in the curriculum and pedagogy applied. With that ac-



knowledge, we must consider whether it is necessary to classify such students and provide a label, be it traditional disability category or the broader category of SEN. One argument for continuing some sort of classification scheme is to ensure that the schools sustain the necessary capacity to provide the additional supports that students with learning problems require. These supports include specialized instruction, adequately trained personnel, and additional funding.

**Classification and Pedagogy.** Traditional categorization of students with disabilities into specific subgroups, such as “mental retardation” and “specific learning disability,” is based on a disability-deficit paradigm that has been the foundation of U.S. special education and was formerly the basis in the United Kingdom. This disability-deficit paradigm assumes that (a) students within a specific classification share characteristics and educational needs that require specific pedagogy and even curricula and (b) their teachers must have instructional skills consistent with the classification. This assumption may have had some merit in the beginning, but research and practice have not supported their validity. Increasingly, researchers have acknowledged that the approaches, methods, and techniques that teachers must use to meet the educational needs of students with differing disability labels vary more in terms of intensity than in type (e.g., Henley, Ramsey, & Algozzine, 1996; McDonnell, McLaughlin, & Morison, 1997; Mercer & Mercer, 2001; Ysseldyke, 2001).

Nevertheless, the disability-deficit paradigm is at the foundation of teacher preparation in the United States and reflects the belief that teachers need specific pedagogy to match their students’ characteristics. Specifically, special education teachers have been expected to work exclusively with students defined as having a specific disability classification. Teacher preparation by disability classification was the predominant model in U.S. special education for most of the 20th century; however, many states began moving to a multicategorical or cross-categorical approach in the 1980s. These multicategorical licenses may be referred to as generic, comprehensive, or collaborative special education; exceptional children or varying exceptionalities; and mild/moderate/severe disabilities (National Association of State Directors of Teacher Education and Certification, 2000). In a 2001 study, Mainzer and Horvath found that states were almost equally divided in regards to the number that used a multicategory approach and the number that used a disability-based certification process. The use of multicategory licenses is viewed more as an administrative convenience, however, and does not alter the fundamental disability-deficit paradigm.

**Classification and Resource Allocation.** Another justification for the categorization of students is the need to ensure that additional resources can be allocated efficiently and effectively (Gallagher, Forsythe, Ringelheim, & Weintraub, 1975). Under the IDEA, eligibility for special education triggers federal and state resources. Individual states receive fed-

eral grants based on a formula that includes the proportion of school-age children identified as eligible to receive special education and related services, with an adjustment for poverty. Both federal and state special education funds flow to local school districts according to one of several types of formulae, including number of students identified and staff ratios. Despite the federal and state support for special education, local school districts contribute the majority of the additional estimated expenditure (e.g., 1.9 of average) required to educate a student with a disability (Chambers, Parrish, & Harr, 2002).

In the United Kingdom, funding mechanisms are complex, and as in the United States, a number of formulae that link socioeconomic as well as special-needs criteria are used to determine resource allocation. In the United Kingdom, however, great pressure for increasing the proportion of students who have a statement has developed in an attempt to produce more resources for schools. Many local authorities are trying to limit the pressure to the purpose of identifying more “statemented students” by funding schools directly so that the resources are available without the need to go through an unnecessary statementing process.

### *The Future of Classification*

In recent years, both the United States and the United Kingdom have witnessed major changes in their general education policies. The purposes were to try to bring more accountability and transparency into the system and also introduce more market-based reforms. At the core of these new policies are universal standards, assessments, and accountability. These and other policies are putting great pressures on schools to have all students achieve at higher performance levels, and both countries continue to struggle with questions regarding how to devise inclusive curricula and assessment systems. These new accountability policies call into question both the definition and purpose of special education—especially in the United States, and to a lesser extent in the United Kingdom.

Before the recent imposition of standards-based education in the United States, a student who was eligible for special education services had an IEP that could essentially be developed and implemented completely apart from the general education curriculum and classrooms. Students with disabilities could be taught a collection of skills that were not linked to the core academic content by teachers who often were not qualified to teach academic subject matter. Students with IEPs were also often held to a lower standard regarding promotion and graduation policies. The results are well known: Many students with disabilities did not have access to a general curriculum taught by highly qualified teachers and were not expected to perform well academically. It therefore is not surprising that students with disabilities continue to lag behind their peers without disabilities on all valued educational measures.

In the United States, the NCLB has required major changes in the way that schools are held accountable for the

performance of students with disabilities. Accountability no longer rests solely with the IEP; it now includes the aggregate performance of the subgroup of students with disabilities. These students' test scores count toward school accountability, and general and special educators are increasingly focused on what students with disabilities are learning and how they are being taught (Nagle, Malmgren, & Yunker, in press). England's adoption of the National Pupil Database is resulting in similar scrutiny of performance by subgroup and is leading to greater visibility for different student subpopulations. If a school is to be called successful, it has to be so for all students, including students with disabilities or special education needs. In the current climate of performance-based accountability, the traditional classification schemes seem meaningless. Schools are paying closer attention to "achievement" labels than to traditional classification categories.

The NCLB requires school systems to report student performance against, at a minimum, three levels of achievement—Basic, Proficient, and Advanced—that specify how well children are mastering the material in a state's academic content standards. Within the United States, states have some flexibility in setting their achievement levels, but they must move 100% of students in each of five subgroups, including students with disabilities, to at least the Proficient level in reading, math, and science by 2014. In addition, schools and local districts are expected to meet annual performance targets for each subgroup or face mandatory consequences.

Concerns about raising performance are resulting in a new classification of students within schools that is based on achievement level (Booher-Jenning, 2005; Nagle et al., in press) in which students are grouped in terms of their performance level on state assessments. One group is composed of students who exceed the state's Proficient level on the state assessments. These are the students who score as Proficient or Advanced on either the state's general or alternate assessment. The second group encompasses students who narrowly missed scoring at the Proficient level. Finally, there are the students whose scores fell well below the Basic level. Both Booher-Jenning and Nagle et al. have suggested that schools are altering the ways in which they allocate educational services based on these students' achievement levels. Schools are not directing significant educational resources toward the Proficient/Advanced group of students but rather are putting the most attention and instructional emphasis on those students who attain the Basic level but whose scores are just below Proficient. Principals and teachers both expressed the belief that they are not able to do anything to raise the performance of students who score significantly below the Basic level to the Proficient level.

This new way of sorting students also includes students with disabilities, who may be held to alternate or modified achievement standards under NCLB. In the United States, this can include up to 3% of the total student population tested (1% held to alternate achievement standards and 2% held to modified achievement standards), and a subgroup of students

with disabilities must be instructed in the state content standards but may be assessed against alternate achievement standards that are considered more appropriate to their instructional level. All of these groups must be assessed with instruments that are linked to grade-level content standards. This becomes a fourth classification of students with disabilities: students who are held to alternate achievement standards.

In England and Wales, recording the progress of children with severe cognitive difficulties involves the use of an alternative levels-of-attainment system that forms the foundation of the national curriculum. These are known as "P scales," a series of graded assessment criteria against which progress below Level 1 (the most basic level) in the national curriculum can be measured. The P scales were originally introduced (a) to ensure that the learning of all students could be demonstrated and (b) for target setting with individual students. Byers, Dee, Hayhoe, and Maudsley (2002) warned against using the P scales for institutional accountability purposes because of doubts about their reliability.

## Conclusion

What are we to make of the preceding comparison of current approaches to the classification of children for purposes of receiving special education services in the United States and the United Kingdom? To this point, we have been discussing issues of educational classification as if students with disabilities were a homogenous group. We recognize, however, that this subpopulation of students is extremely heterogeneous and represents a range of physical, cognitive, and behavioral characteristics. Indeed, when we examined the issues faced by the two countries, it became apparent that most historical and current challenges have been in regards to the classification of students with high-incidence disabilities, such as learning disabilities, mild mental retardation, emotional disturbance, and speech-language disorders in the United States and the large category of SEN in the United Kingdom. Thus, one conclusion that might be made is that the problems of classification really concern those students who are mostly at the margins of general education, that is, who are persistent and significant underachievers within general education but not otherwise physically or cognitively different from their typically achieving peers. Historically, these are the children who have troubled educators since the beginning of public education (see Cohen, 1970; Deschenes, Tyack, & Cuban, 2001; Franklin, 1994). The realities are that these persistent underachievers require more of all educational resources, including time, money, and specialized pedagogy, which in turn requires educational systems to create either *de facto* or, through formal bureaucracies, systems of categorization that guide allocation of additional resources.

In an ideal world, the educational system could accommodate every need of every individual student as it arose. In reality, educational systems have neither infinite flexibility nor

infinite resources. Thus, educational systems cannot completely abandon classification schemes as a way to ration fiscal and human educational resources. Nonetheless, educators and policymakers in both countries have indicated a persistent lack of confidence in various classification schemes. For one thing, they view these schemes as inconsistent with the educational needs of children and as instructionally irrelevant. Labels applied to children or to programs result in specific actions that inevitably represent an attempt to balance program realities with child needs, but this cannot obscure the reality of individual differences among learners. That said, what conclusion might we reach with respect to the future of classifying students who may need special education services?

First, it is fair to say that we are not seeing a retreat from classifying students with marked differences in learning or social behaviors. We see continued support for defining disability as noted in Florian et al. (this issue), albeit within a broader social context of functioning. For example, just as the International Classification of Functioning (ICF) endorses a multidimensional framework for determining the impact of a physical need on an individual's function in society, so does the achievement classification of students as discussed in this article serve to define the child in terms of the context of his or her attainments in a curriculum. This is where we see divergence, however, between the United States and the United Kingdom, at least at present. The former remains committed, in policy, to distinguishing those children who have real impairments in learning that cannot be overcome through adjustments in general education from children whose low achievement is due to environmental or poor pedagogy. In other words, the new taxonomy seems to be the level of difficulty a student has in learning. In the United States, this translates to ensuring that students have appropriate opportunities to learn in the curriculum, as evidenced by their exposure to evidence-based instruction. This is most evident in the notion of the Response to Intervention (RTI) model, which has been proposed as an alternative way to define a learning disability.

RTI is now being used in the United States as the alternate to the discrepancy model. Rather than identifying learning disabilities based on a discrepancy between IQ, or "potential," and achievement, RTI permits students to be identified based on their response to carefully executed research-based interventions. For example, in the area of early literacy acquisition, which has been subjected to the most research, RTI begins with early screening or observation of a child's failure to acquire certain skills (e.g., phonemic awareness). Children who experience difficulty acquiring these early literacy skills are subjected to a sequence of carefully scripted and increasingly intensive instructional interventions administered first by general education teachers and then by specialists. Acquisition of skills is directly and frequently monitored, and children who fail to demonstrate adequate growth even after receiving the most intensive intervention are then presumed to have a learning disability.

RTI builds on two desires regarding classification:

- that it be related to intervention and
- that it be proactive rather than reactive.

That is, instead of waiting for a child to demonstrate significant underachievement, the RTI would allow for early intervention with students who are not responding to grade-level curricula. The RTI model was carried forward into the 2004 IDEA amendments, which changed the criteria for determining a specific learning disability by removing the requirement that the child evidence a discrepancy between ability and achievement. As now stated in the IDEA,

When determining whether a child has a specific learning disability as defined under this Act, the local educational agency shall not be required to take into consideration whether the child has a severe discrepancy between achievement and intellectual ability. . . . In determining whether a child has a specific learning disability, a local educational agency may use a process which determines if a child responds to scientific, research-based intervention. (Section 614(b)(6))

Educators and researchers who advocate for the RTI model are very specific about what is involved in its implementation. In their proposal for an RTI approach to the identification of learning disabilities, Lyon et al. (2001) set out the following recommendations:

- Use definitions that specify the characteristics that identify students with particular disabilities (i.e., math disabilities, written expression disabilities, and oral language disabilities);
- eliminate the use of the IQ-achievement discrepancy criterion; and
- eliminate exclusions for inadequate instruction, cultural and social factors, and emotional disturbance, with the understanding that these often contribute to "inadequacies in neural and cognitive development that place children at significant risk for LD. . . [and] distinctions between compensatory and special education services should not drive our conception of LD" (p. 279).

Interestingly, as the United States seeks to change how it classifies one group of students, in the United Kingdom parents are pushing to obtain a more precise disability categorization of their child, primarily to achieve more disability-focused interventions (e.g., in the area of autism) or additional services (e.g., speech-language). Similar efforts to categorize students have been reported in Canada (McLaughlin & Jordan, 2005), where advocates of students with learning disabilities are seek-

ing recognition for that specific category of disability. These efforts on the part of parents and advocates to obtain categorical definitions reflect the tension created by the dual realities of individual differences and the limitations of educational resources and technical knowledge. When these tensions are exacerbated by ideologies of inclusion and individual rights, educational systems are forced into creating artificial distinctions among children. Neither the more precise, medically oriented classification of the IDEA nor the broad and ambiguous SEN classification seem to meet the primary recommendation that educational systems adopt a program of precisely describing educational characteristics of individual children that lead to educational interventions for producing meaningful outcomes. Neither the United States nor the United Kingdom can claim to have improved achievement or outcome data, such as for school completion, among those children so classified.

Attempts to obtain more precision in classifications would seem to be futile because schools will continue to include within the broad category of SEN and the more precise categories of IDEA those students who are underachieving for one or more reasons—biological, social, cultural, or cognitive. At the same time, abandoning classification puts these same students at risk for losing educational resources and accountability. The reality is that educational classification policies, formal or informal, will always be required within a system in which individual needs and the broader social and community goals of education are competing priorities. However, as was argued in Florian et al. (this issue), by understanding the mix of intentions that underpin these policies, as well as periodically reviewing the norms that establish them, it may be possible to move beyond a view of categories as fixed descriptors of people.

## NOTE

Detailed information can be found at <http://www.dfes.gov.uk/performancetables/va1>.

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